

Kentucky Board of Medical Licensure Consumer Guide to the KBML

Introduction

Sometimes, health care services can fall below a patient's expectations. As a health care consumer, you should know what you could do to ensure that you receive quality health care. This means knowing what to do when the care you receive is not of the quality you deserve.

Did you know that the Kentucky Board of Medical Licensure

- Licenses and regulates physicians
- Regulates and certifies physician assistants and athletic trainers
- Receives and investigates complaints regarding quality of care and competency issues?

This ***Consumer's Guide to the KBML*** is designed to answer questions you might have as a patient, as well as tell you what the KBML can do for you.

The following information will provide you with a step-by-step guide through the complaint process. It is hoped that this information will encourage you to contact the KBML when you have legitimate concerns about your physician or other health care providers noted above.

Consumer grievances are an important and direct source of information about the competency of health care professionals and the quality of care they provide. Grievances also show KBML officials that consumers are watching the actions the KBML takes on behalf of the public.

What Is The State Medical Board? What Does It Do?

The KBML is the state agency that administers Kentucky regulatory laws for medical doctors (M.D.'s), osteopathic doctors (D.O.'s), physician assistants (P.A.'s) paramedics and athletic trainers. Practitioners licensed by the KBML are called "licensees". The KBML handles general consumer complaints about its licensees and may directly discipline those who violate the public health and safety standards set by the legislature and the KBML. The KBML may refer a complaint to a more appropriate agency if necessary.

The KBML does not license chiropractors, dentists, nurses, psychologists, physical therapist, paramedics or other health care providers. Grievances about these professionals should be directed to the regulatory agencies by which they are licensed.

Who Are The Members Of The Medical Board?

The KBML consists of fifteen members, including the Commissioner of Public Health, the deans of the University of Kentucky College of Medicine, the University of Louisville School

of Medicine and the Pikeville College School of Osteopathic Medicine. Eleven members are appointed by the Governor and serve for a four-year term. Of the members appointed by the Governor, one member is a licensed osteopathic physician, seven members are licensed medical physicians and three members are citizens at large who are representatives of a recognized consumer advocacy groups with an interest in the delivery of health care.

What Kinds Of Grievances Does The Medical Board Handle?

The KBML can discipline its licensees for violations of the Kentucky Medical Practice Act. Grounds for discipline include:

- Impairment of ability to practice due to drug or alcohol abuse, or due to physical or mental illness
- Failing to meet minimal standards of care in treating patients
- Prescribing drugs in an inappropriate manner or without legitimate reason
- Inappropriate sexual conduct\conviction of a misdemeanor in the course of practice or conviction of a felony
- Falsifying information; fraud
- Performing duties beyond the scope of a license
- Failing to meet continuing medical education requirements

What Kinds Of Grievances Are Not Handled By The Medical Board?

The KBML cannot:

- Help you sue a health care provider for money
- Handle a fee dispute between you and your physician
- Discipline practitioners who are not licensed by the Medical Board (for example, a doctor licensed in another state, or a person licensed by another state agency, such as a nurse or a physical therapist)
- Get money back that you feel is owed to you
- Resolve questions about disability compensation or insurance reimbursement

The KBML will answer any questions you may have about whether we can handle your grievance. If the KBML cannot handle your grievance, you may be referred to another agency.

Do I Need An Attorney To Handle My Grievance?

You do not need an attorney to file your grievance with the KBML or to follow through with it. The KBML can take action against a health care provider's privileges to practice, but it cannot help you sue a health care provider for money.

How Do I File A Grievance?

You can obtain a grievance form on this site by selecting **Grievances** then printing the **Grievance form, Consumer Guide & Waiver form.**

What Is The Grievance Process?

To maintain confidentiality and assure that every grievance brought to the Board's attention is reviewed, each case is assigned a grievance number. Your grievance is initially reviewed by the Board's Executive Director to determine whether the KBML has the legal authority (jurisdiction) to act in our case.

The Board's jurisdiction is defined by state statutes (Medical Practice Act). The KBML would not have jurisdiction, for example, if your grievance was about a physician's refusal to accept Medicare patients, or about overcharging you for services actually performed, because these actions are not probated by the state statutes the KBML enforces.

Although all grievances are evaluated, many grievances do not result in disciplinary action. The Board's Inquiry Panels review each grievance to determine if there is sufficient evidence to show that a violation of the Board's statutes has occurred. If it is determined that there is not a sufficient basis for proceeding with formal disciplinary action, you will receive a letter telling you that your grievance has been closed.

If the KBML has jurisdiction, the case may be assigned to one of the Board's investigators. The Board's Director of Investigations oversees investigations and serves as advisor on each case. In some instances, outside medical experts will also assist in reviewing a grievance.

Depending on the nature of the grievance, the Board's investigator may gather information from any of the following sources: you, the grievant; the patients, if other than the grievant; the licensee's co-workers; and other sources, such as police agencies or hospital and pharmacy records. The investigator will also contact the physician involved to discuss the grievance.

For additional information about the Board or the grievance process, please look under the heading "Filing a Complaint" on the Board's web page at kbml.org.

What Is The Disciplinary Process?

After the Board's Inquiry Panel votes to issue formal charges, a Complaint will be sent to the licensee giving written notice of the charges and of the opportunity to request an administrative hearing. The hearing is held before a Hearing Officer appointed by the State Attorney General's Office and is generally open to the public. The licensee may be represented by an attorney or present his or her own case. In some cases, the licensee will send his or her arguments in writing instead of coming to the hearing. The hearing is similar to a civil trial: evidence and witnesses are presented, and questions and answers are given by both sides.

After the hearing, the Hearing Officer files a summary of the case and a proposed decision with the Board's Inquiry Panel. A copy of the Hearing Officer's Findings is sent to the licensee, who has ten days to file written objections.

Before discussing the case and rendering a final decision, the Panel reviews the Hearing Officer's Findings of Fact and Conclusions of Law and recommendation, and any objections

filed by the licensee. The members of the Panel can accept, reject or modify the Hearing Officer's recommendation.

How Do I Find Out About The Progress Of My Case?

Once disciplinary action has been authorized by a Panel, you may find out the status of your case by calling the Board's legal department at (502) 429-8046, ext. 230 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

What Type Of Disciplinary Action May Be Taken By The Board's Panel?

The Panel may dismiss the case if it feels that no violation has occurred or if evidence is insufficient to support a finding of a violation. However, if the Panel decides that there has been a violation, it may choose one of the following formal disciplinary actions:

- Reprimand the licensee
- Suspend the physicians license, or
- Put the license on probation under variety of terms and conditions
- Permanently revoke the physicians license
- Limit the practitioner's license (e.g., limit the type of procedures the licensee may perform)
- Fine the licensee

In emergencies, the Board's Inquiry Panel has the authority to temporarily suspend a physician's license pending a hearing. This is called an Emergency Suspension Order.

For cases involving application for licensure, the KBML may choose to deny the physicians application.

At any time after a Complaint is filed, the licensee and the Board's General Counsel may negotiate a resolution or "Agreed Order". The Panel must ratify all Agreed Orders.

A licensee may also surrender licensure if the Panel is willing to accept it.

Can A Licensee Appeal The Medical Board's Decision?

If a Panel of the KBML formally disciplines a licensee, the licensee may appeal the Panel's decision to the Jefferson County Circuit Court. The licensee may try to keep the KBML from enforcing its disciplinary measures during the appeal process by getting an order from the court called a "stay order". A stay prevents all or part of the disciplinary order from going into effect until a decision on the appeal is made.

How Can I Find Out If A Doctor Licensed In Kentucky Has Been Disciplined?

Physician profiles are available on this web site under the heading of "**Physician Profile/Verification of Physician License**" on our home page. The profile contains the physicians name, practice address, status, expiration, area of practice, type of practice, year licensed in Kentucky, medical school, year graduated, and any disciplinary actions taken in the past 10 years. You may also write to the Board's legal department, pursuant to Chapter 61 of the Kentucky Open Records law.

Disciplinary Actions Are Reported To Entities Including:

- State, local and national medical associations
- Hospital in the State
- Federation of State Medical Boards
- National Practitioner Data Bank

Other states are informed of disciplinary actions through national data banks. The KBML also uses data banks to get reports of formal disciplinary actions taken in other states against Kentucky licensees.

Can I Get A Money Award Or Other Relief If The Medical Board Disciplines A Licensee?

The KBML does not have the authority to award monetary damages. It also cannot:

- Get money back that you believe is due you
- Settle disputes between you and your physician
- Compel corrective action

These functions are primarily for the courts. Making a complaint to the KBML is not the same thing as filing a lawsuit with a civil court.

Help Yourself Be A Smart Health Care Consumer

Throughout the year the KBML receives grievances against physicians practicing in the state. Many times, the grievances turn out to be simple misunderstandings between the physician, the patient, or the patient's family that can be resolved without the intervention by the KBML or other agency. You can help yourself be a smart health care consumer by considering the following suggestions:

- Discussing your concerns with your physician
- Asking about the physician's fees when scheduling an appointment
- Understanding your insurance policy coverage
- Checking with your insurance carrier to be sure that your physician is an approved provider for the insurance plan

What Other Agencies Help Health Care Consumer

Besides the KBML, there are several other agencies that assist health care consumers. The agency you choose may depend on the nature of your complaint or inquiry. Some of the agencies which may be of assistance to you are as follows:

Kentucky Cabinet for Health & Family Services Department for Public Health

275 East Main Street
Frankfort, KY 40621

Kentucky Hospital Association

1302 Clear Spring Trace

PO Box 24163

Louisville, KY 40224

Telephone: (502) 426-6220

(This private association reviews complaints involving hospitals.)

American Board Of Medical Specialties

(800) 776-CERT (2378)

(Callers may find out if a physician is certified by a specialty board recognized by the American Board of Medical Specialties.)

American Osteopathic Association (AOA)

142 East Ontario Street

Chicago, IL 60611

(312) 202-8000

(Callers may find out if a physician is certified by a specialty board recognized by the American Osteopathic Association.)

American Board of Podiatric Surgery

1601v Dolores Street

San Francisco, CA 94110-4906

(415) 826-3200

(Callers may find out if a physician is certified by a specialty board recognized by the American Board of Podiatric Surgery.)

Kentucky Medical Association (KMA)

The KMA Building

4965 US Highway 42, Suite 2000

Louisville, KY 40222-6301

Kentucky Osteopathic Association (KOA)

1501 Twilight Trail

Frankfort, KY 40601

Kentucky Academy of Physician Assistants

PO Box 23251

Lexington, KY

(502) 473-0007, (888) 884-KAPA

Your Insurance Carrier

Most insurance companies have consumer divisions which are equipped to take complaints or solve billing disputes.

